

DANIEL J. BERGESON, Bar No. 105439
dbergeson@be-law.com
MELINDA M. MORTON, Bar No. 209373
mmorton@be-law.com
JAIDEEP VENKATESAN, Bar No. 211386
jvenkatesan@be-law.com
BERGESON, LLP
303 Almaden Boulevard, Suite 500
San Jose, CA 95110-2712
Telephone: (408) 291-6200
Facsimile: (408) 297-6000

ANDREW GROSSO, Esq., *pro hac vice*
Agrosso@acm.org
ANDREW GROSSO & ASSOCIATES
Georgetown Place
1101 Thirtieth St., NW, Suite 300
Washington, D.C. 20007
Telephone: (202) 298-6500
Facsimile: (202) 298-5599

Attorneys for Defendant
PAXFIRE, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BETSY FEIST,

Plaintiff,

vs.

RCN CORPORATION and
PAXFIRE, INC.,

Defendants.

Misc. Case No. CV12-80121 SI (NC)

Underlying action pending in the United States
District Court for the Southern District of
New York, Case No. 11 CV 5436 JGK

Related cases:

3:12-cv-80119 SI (NC)

3:12-cv-80135 SI (NC)

3:12-cv-80140 SI (NC)

**STIPULATION AND ~~[PROPOSED]~~
ORDER RE CONTINUING HEARING
DATE ON EFF MOTION FOR DE NOVO
DETERMINATION**

Date: October 23, 2012
Time: 10:00 a.m.
Hon. Judge Susan Illston
Courtroom 10, 19th Floor

1 Non-Parties Electronic Frontier Foundation and Peter Eckersley ("EFF"), together with
2 Defendant Paxfire, Inc. ("Defendant" or "Paxfire"), by and through their undersigned counsel,
3 hereby stipulate as follows:

4 WHEREAS on August 27, 2012, EFF noticed a Motion for De Novo Determination of
5 Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to Quash ("Motion").
6 D.I. 36;

7 WHEREAS Defendant Paxfire's Opposition to EFF's Motion was electronically filed
8 (Dkt. No. 39) on September 12, 2012;

9 WHEREAS EFF's Reply to the Motion was electronically filed on September 21, 2012
10 (Dkt. No. 42);

11 WHEREAS the hearing on EFF's Motion was reset by Clerk's Notice from October 19,
12 2012 to October 23, 2012 (Dkt. No. 46 in the CV12-80119 action);

13 WHEREAS counsel for Paxfire is not available to attend the hearing on October 23, 2012;

14 WHEREAS the Parties stipulate to moving the hearing on EFF's Motion for De Novo
15 Determination of Dispositive Matter Referred to Magistrate Judge re [34] Order on Motion to
16 Quash from October 23, 2012 to November 6, 2012 at 9:00 AM.

17 WHEREAS this Stipulation does not affect any case management deadlines.

18
19 SO STIPULATED AND AGREED

20
21 Dated: October 12, 2012

BERGESON, LLP

22
23 _____
/s/
Jaideep Venkatesan

24 Attorneys for Defendant
25 PAXFIRE, INC.

26 In accordance with Civil Local Rule 5-1(i)(3), the above signatory attests that concurrence
27 in the signing of this document has been obtained from the signatory below.

1 Dated: October 12, 2012

SHEPPARD MULLIN RICHTER & HAMPTON,
LLP

3 /s/ Tenaya M Rodewald

4 Tenaya M Rodewald, Esq.
James M. Chadwick, Esq.

5 Attorneys for Non-Parties
6 ELECTRONIC FRONTIER FOUNDATION and
7 PETER ECKERSLEY

8 **IT IS SO ORDERED.**

9 Dated: 10/16, 2012

